

REMARKS

Claims 1-8 and 10-19 are currently pending in the application. Claim 1 has been amended to delete the recitation “elevated blood cholesterol.” Claims 3-8 and 13-19 have been amended to introduce and/or pluralize the term “phytoestrogen.” This amendment finds support in the specification which describes, for example, a supplement having genistein, and/or biochanin A: daidzein and/or formononetin in a ratio of between 1:2 to 2:1. *See* WO 93/23069 at page 8. Claim 11 has been amended to recite the phytoestrogen components of original claim 5. Claim 13 has also been amended to remove the period after “mg”. The removal of the period after “mg” follows modern grammatical convention. Claim 9 has been cancelled.

New claims 14 to 19 have been introduced. New dependent claims 14 and 15 have been added to provide specific formulations of claim 11 to parallel the specific formulations of claim 1 set forth in original claims 3 and 4. Applicant has also added new independent method claim 16 to encompass the three original indications in independent claim 1, but limited to the use of the phyto-estrogens of original claim 5. New dependent claims 17 to 19 recite more specific aspects of the method of claim 16 to parallel the specific aspects of claim 1 set forth in original claims 6, 7 and 8. Thus, the amendments to the claims and the newly introduced claims are supported by at least the original claims and, accordingly, introduce no new matter.

With the entry of this amendments, claims 1-8 and 10-19 are pending for examination in the application.

Examiner Interview

Applicant thanks the Examiner for the telephonic interview conducted on November 8, 2007, in which the Examiner stated that certain amendments to claim 11 were acceptable to both

the Examiner and his Special Program Examiner. Applicant has amended claim 11 to reflect the claim language approved by the Examiner.

Reissue Applications

The Examiner objected to the reissue oath/declaration filed with this application as being defective because “amendments or other correction of errors in the patent have been made subsequent to the last oath/declaration filed in the application.” Action at page 2. The Examiner provided acceptable language to be used in the supplemental oath/declaration. *Id.*

Solely to facilitate prosecution, Applicant now provides a supplemental oath/declaration with the language proposed by the Examiner which also encompasses the amendments made in this response.

Claim Objections

Claims 1-8 and 10-19 were objected to because of informalities with regard to indication of changes relative to the patent being reissued. *See* Action at page 3. Applicant has now addressed the informalities with this amendment.

CONCLUSION

Applicant believes this paper addresses all outstanding objections and puts the application in condition for allowance. Applicant therefore respectfully requests the consideration and timely allowance of the pending claims. Please do not hesitate to call the undersigned at (650) 849-6611 if you have any questions.

Please grant any further extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 16, 2007

By: Elisabeth Barek
Elisabeth Jaffe Barek
Reg. No. 46,797
Customer No. 22,852